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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
DENY SORTO-FUENTES,)
)
Defendant.)

No. CR 06-815 SI

**[PROPOSED] ORDER AND
STIPULATION TO CONTINUE PLEA
DATE FOR DENY SORTO-FUENTES
FROM FEBRUARY 16, 2007 TO
MARCH 16, 2007 AND TO EXCLUDE
TIME FROM THE SPEEDY TRIAL
ACT CALCULATION**

The government and Defendant Deny Sorto-Fuentes hereby stipulate as follows:

1. The parties are currently scheduled for a change of plea hearing on February 16, 2007.

In order to conduct effective plea negotiations, the parties have been waiting for Defendant's Form 12 supervised release violation case to be transferred to this District from the Southern District of Texas. On February 12, 2007, the supervised release violation was transferred to this District as *United States v. Sorto-Fuentes*, CR 07-069 WHA.

2. The parties have not yet received the file containing details of the supervised release violation at issue. Therefore, the parties have been unable to prepare adequately and conduct

1 effective plea negotiations. The parties stipulate that a continuance is necessary to afford the
2 defendant and the government reasonable time necessary for effective preparation, taking into
3 account the exercise of due diligence. Specifically, additional time is needed in order for the
4 defendant and the government to obtain and review the files pertaining to the supervised release
5 violation and to prepare adequately based on that new information. Counsel for the government
6 is unavailable on February 23, 2007. Counsel for the Defendant is unavailable after that date
7 until March 16, 2007. The parties request that the plea date be scheduled for March 16, 2007.

8 3. The parties also stipulate to an exclusion of time under the Speedy Trial Act. Failure
9 to grant the requested continuance would unreasonably deny both government and defense
10 counsel reasonable time necessary for effective case preparation and would deny the defendant
11 continuity of counsel. Given these circumstances, the ends of justice served by excluding the
12 period from February 16, 2007 to March 16, 2007, outweigh the best interest of the public and
13 the defendant in a speedy trial. Id. § 3161(h)(1)(G) & (8)(B)(iv).

14 4. The government notes that it is contemporaneously filing with this Court a Notice of
15 Related Case in a Criminal Action, seeking to relate the supervised release violation case to this
16 case.

17 IT IS SO STIPULATED.

18
19 DATED: _____

/S/

ERIKA R. FRICK
Assistant United States Attorney

20
21
22 DATED: _____

/S/

BARRY J. PORTMAN
Attorney for Deny Sorto-Fuentes

ORDER

For good case shown, the Court finds that for effective case preparation, and taking into account the need to review the entire case file pertaining to the related supervised release violation, and also for continuity of counsel, that time is excluded pursuant to the Speedy Trial Act. In light of all the circumstances, the ends of justice served by excluding the period from February 16, 2007 to March 16, 2007, outweigh the best interest of the public and the defendant in a speedy trial. Id. § 3161(h)(1)(G) & (8)(B)(iv).

IT IS SO ORDERED.

2/15/07
DATED: _____



THE HON. SUSAN ILLSTON
United States District Judge